

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 26

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time March 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2518S.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 7, 9, and 10 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the general assembly and congressional districts.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2008, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article III of the Constitution of the state of Missouri:

Section A. Sections 2, 5, 7, 9, and 10, article III, Constitution of Missouri,
2 is repealed and one new section adopted in lieu thereof, to be known as section
3 3, to read as follows:

**Section 3. 1. The House of Representatives shall consist of one
2 hundred sixty-three members elected at each general election. The
3 Senate shall consist of thirty-four members elected for four years.**

**2. There shall be established a state demographer as provided by
4 law. The demographer shall acquire appropriate information to
5 develop procedures in preparation for drawing congressional and
6 legislative redistricting plans on the basis of each federal census. By
7 December thirty-first of each year ending in zero, the demographer
8 shall obtain from the United States Bureau of the Census information
9 regarding geographic and political units in this state for which federal
10 census population data has been gathered and will be tabulated. The
11**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

12 demographer shall use the data so obtained to:

13 (1) Prepare necessary descriptions of geographic and political
14 units for which census data will be reported, and which are suitable for
15 use as components of legislative districts;

16 (2) Prepare maps of counties, cities and other geographic units
17 within the state, which may be used to illustrate the locations of
18 legislative district boundaries proposed in plans drawn in accordance
19 with this section.

20 As soon as possible after January first of each year ending in one, the
21 demographer shall obtain from the United States Bureau of the Census
22 the population data needed for legislative districting which the Census
23 Bureau is required to provide this state under United States P. L. 94-
24 171, and shall use that data to assign a population figure based upon
25 certified federal census data to each geographic or political unit
26 described under subdivision (1) of this subsection. Upon completing
27 that task, the demographer shall begin the preparation of congressional
28 and legislative districting plans. Not later than April first of each year
29 ending in one, the state demographer shall deliver to the Secretary of
30 State a plan of congressional and legislative redistricting prepared in
31 accordance with this section.

32 3. No district shall be drawn for the purpose of favoring a
33 political party, incumbent legislator or member of Congress, or other
34 person or group. In establishing districts, no use shall be made of any
35 of the following data:

36 (1) Addresses of incumbent legislators or members of Congress;

37 (2) Political affiliations of registered voters;

38 (3) Previous election results;

39 (4) Demographic information, other than population head counts,
40 except as required by the Constitution and the laws of the United
41 States.

42 4. Congressional and legislative districts shall be established on
43 the basis of population. Congressional and legislative districts,
44 respectively, shall each have a population as nearly equal as
45 practicable to the ideal population for such districts, determined by
46 dividing the number of districts to be established into the population
47 of the state reported in the federal decennial census.

48 5. To the extent consistent with subsection 4 of this section,

49 district boundaries shall coincide with the boundaries of political
50 subdivisions of the state. The number of counties and cities divided
51 among more than one district shall be as small as possible. When there
52 is a choice between dividing local political subdivisions, the more
53 populous subdivisions shall be divided before the less populous, but
54 this statement does not apply to a legislative district boundary drawn
55 along a county line which passes through a city that lies in more than
56 one county.

57 6. Districts shall be composed of convenient contiguous
58 territory. Areas which meet only at the points of adjoining corners are
59 not contiguous.

60 7. It is preferable that districts be compact in form, but the
61 standards established by subsections 4, 5, and 6 of this section take
62 precedence over compactness where a conflict arises between
63 compactness and these standards. In general, compact districts are
64 those which are square, rectangular or hexagonal in shape to the extent
65 permitted by natural or political boundaries. When it is necessary to
66 compare the relative compactness of two or more districts, or of two or
67 more alternative districting plans, the tests prescribed by subdivisions
68 (2) and (3) of this subsection shall be used. Should the results of these
69 two tests be contradictory, the standard referred to in subdivision (2)
70 of this subsection shall be given greater weight than the standard
71 referred to in subdivision (3) of this subsection.

72 (1) As used in this subsection:

73 (a) "Population data unit" means a civil township, election
74 precinct, census enumeration district, census city block group, or other
75 unit of territory having clearly identified geographic boundaries and
76 for which a total population figure is included in or can be derived
77 directly from certified federal census data.

78 (b) The "geographic unit center" of a population data unit is that
79 point approximately equidistant from the northern and southern
80 extremities, and also approximately equidistant from the eastern and
81 western extremities, of a population data unit. This point shall be
82 determined by visual observation of a map of the population data unit,
83 unless it is otherwise determined within the context of an appropriate
84 coordinate system developed by the federal government.

85 (c) The "x" co-ordinate of a point in this state refers to the

86 relative location of that point along the east-west axis of the
87 state. Unless otherwise measured within the context of an appropriate
88 co-ordinate system obtained for use as permitted by paragraph (b) of
89 this subdivision, the "x" co-ordinate shall be measured along a line
90 drawn due east from a due north and south line running through the
91 point which is the northwestern extremity of the state of Missouri, to
92 the point to be located.

93 (d) The "y" co-ordinate of a point in this state refers to the
94 relative location of that point along the north-south axis of the
95 state. Unless otherwise measured within the context of an appropriate
96 co-ordinate system obtained for use as permitted by paragraph (b) of
97 this subdivision, the "y" co-ordinate shall be measured along a line
98 drawn due south from the northern boundary of the state or the
99 eastward extension of that boundary, to the point to be located.

100 (2) The compactness of a district is greatest when the length of
101 the district and the width of the district are equal. The measure of a
102 district's compactness is the absolute value of the difference between
103 the length and the width of the district.

104 (a) In measuring the length and the width of a district by means
105 of electronic data processing, the difference between the "x" co-
106 ordinates of the easternmost and the westernmost geographic unit
107 centers included in the district shall be compared to the difference
108 between the "y" co-ordinates of the northernmost and southernmost
109 geographic unit centers included in the district.

110 (b) To determine the length and width of a district by manual
111 measurement, the distance from the northernmost point or portion of
112 the boundary of a district to the southernmost point or portion of the
113 boundary of the same district and the distance from the westernmost
114 point or portion of the boundary of the district to the easternmost point
115 or portion of the boundary of the same district shall each be measured.
116 If the northernmost or southernmost portion of the boundary, or each
117 of these points, is a part of the boundary running due east and west,
118 the line used to make the measurement required by this paragraph
119 shall either be drawn due north and south or as nearly so as the
120 configuration of the district permits. If the easternmost or
121 westernmost portion of the boundary, or each of these points, is a part
122 of the boundary running due north and south, a similar procedure shall

123 be followed. The lines to be measured for the purpose of this
124 subdivision shall each be drawn as required by this subdivision, even
125 if some part of either or both lines lies outside the boundaries of the
126 district which is being tested for compactness.

127 (c) The absolute values computed for individual districts under
128 this subdivision may be cumulated for all districts in a plan in order to
129 compare the overall compactness of two or more alternative districting
130 plans for the state, or for a portion of the state. However, it is not valid
131 to cumulate or compare absolute values computed under paragraph (a)
132 with those computed under paragraph (b) of this subdivision.

133 (3) The compactness of a district is greatest when the ratio of the
134 dispersion of population about the population center of the district to
135 the dispersion of population about the geographic center of the district
136 is one to one, the nature of this ratio being such that it is always
137 greater than zero and can never be greater than one to one.

138 (a) The population dispersion about the population center of a
139 district, and about the geographic center of a district, is computed as
140 the sum of the products of the population of each population data unit
141 included in the district multiplied by the square of the distance from
142 that geographic unit center to the population center or the geographic
143 center of the district, as the case may be. The geographic center of the
144 district is defined by averaging the locations of all geographic unit
145 centers which are included in the district. The population center of the
146 district is defined by computing the population-weighted average of the
147 "x" co-ordinates and "y" co-ordinates of each geographic unit center
148 assigned to the district, it being assumed for the purpose of this
149 calculation that each population data unit possesses uniform density
150 of population.

151 (b) The ratios computed for individual districts under this
152 paragraph may be averaged for all districts in a plan in order to
153 compare the overall compactness of two or more alternative districting
154 plans for the state, or for a portion of the state.

[Section 2. The house of representatives shall consist of one
2 hundred sixty-three members elected at each general election and
3 apportioned in the following manner: Within sixty days after the
4 population of this state is reported to the President for each
5 decennial census of the United States and, in the event that a

reapportionment has been invalidated by a court of competent jurisdiction, within sixty days after notification by the governor that such a ruling has been made, the congressional district committee of each of the two parties casting the highest vote for governor at the last preceding election shall meet and the members of the committee shall nominate, by a majority vote of the members of the committee present, provided that a majority of the elected members is present, two members of their party, residents in that district, as nominees for reapportionment commissioners. Neither party shall select more than one nominee from any one state legislative district. The congressional committees shall each submit to the governor their list of elected nominees. Within thirty days the governor shall appoint a commission consisting of one name from each list to reapportion the state into one hundred and sixty-three representative districts and to establish the numbers and boundaries of said districts.

If any of the congressional committees fails to submit a list within such time the governor shall appoint a member of his own choice from that district and from the political party of the committee failing to make the appointment.

Members of the commission shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final statement of apportionment.

For the purposes of this article, the term congressional district committee or congressional district refers to the congressional district committee or the congressional district from which a congressman was last elected, or, in the event members of congress from this state have been elected at large, the term congressional district committee refers to those persons who last served as the congressional district committee for those districts from which congressmen were last elected, and the term congressional district refers to those districts from which congressmen were last elected. Any action pursuant to this section by the congressional district committee shall take place only at duly called meetings, shall be recorded in their official minutes and

42 only members present in person shall be permitted to vote.

43 The commissioners so selected shall on the fifteenth day,
44 excluding Sundays and holidays, after all members have been
45 selected, meet in the capitol building and proceed to organize by
46 electing from their number a chairman, vice chairman and
47 secretary and shall adopt an agenda establishing at least three
48 hearing dates on which hearings open to the public shall be held.
49 A copy of the agenda shall be filed with the clerk of the house of
50 representatives within twenty-four hours after its
51 adoption. Executive meetings may be scheduled and held as often
52 as the commission deems advisable.

53 The commission shall reapportion the representatives by
54 dividing the population of the state by the number one hundred
55 sixty-three and shall establish each district so that the population
56 of that district shall, as nearly as possible, equal that figure.

57 Each district shall be composed of contiguous territory as
58 compact as may be.

59 Not later than five months after the appointment of the
60 commission, the commission shall file with the secretary of state a
61 tentative plan of apportionment and map of the proposed districts
62 and during the ensuing fifteen days shall hold such public hearings
63 as may be necessary to hear objections or testimony of interested
64 persons.

65 Not later than six months after the appointment of the
66 commission, the commission shall file with the secretary of state a
67 final statement of the numbers and the boundaries of the districts
68 together with a map of the districts, and no statement shall be
69 valid unless approved by at least seven-tenths of the members.

70 After the statement is filed members of the house of
71 representatives shall be elected according to such districts until a
72 reapportionment is made as herein provided, except that if the
73 statement is not filed within six months of the time fixed for the
74 appointment of the commission, it shall stand discharged and the
75 house of representatives shall be apportioned by a commission of
76 six members appointed from among the judges of the appellate
77 courts of the state of Missouri by the state supreme court, a

majority of whom shall sign and file its apportionment plan and map with the secretary of state within ninety days of the date of the discharge of the apportionment commission. Thereafter members of the house of representatives shall be elected according to such districts until a reapportionment is made as herein provided.

Each member of the commission shall receive as compensation fifteen dollars a day for each day the commission is in session but not more than one thousand dollars, and, in addition, shall be reimbursed for his actual and necessary expenses incurred while serving as a member of the commission.

No reapportionment shall be subject to the referendum.]

[Section 5. The senate shall consist of thirty-four members elected by the qualified voters of the respective districts for four years. For the election of senators, the state shall be divided into convenient districts of contiguous territory, as compact and nearly equal in population as may be.]

[Section 7. Within sixty days after the population of this state is reported to the President for each decennial census of the United States, and within sixty days after notification by the governor that a reapportionment has been invalidated by a court of competent jurisdiction, the state committee of each of the two political parties casting the highest vote for governor at the last preceding election shall, at a committee meeting duly called, select by a vote of the individual committee members, and thereafter submit to the governor a list of ten persons, and within thirty days thereafter the governor shall appoint a commission of ten members, five from each list, to reapportion the thirty-four senatorial districts and to establish the numbers and boundaries of said districts.

If either of the party committees fails to submit a list within such time the governor shall appoint five members of his own choice from the party of the committee so failing to act.

Members of the commission shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final

20 statement of apportionment.

21 The commissioners so selected shall on the fifteenth day,
22 excluding Sundays and holidays, after all members have been
23 selected, meet in the capitol building and proceed to organize by
24 electing from their number a chairman, vice chairman and
25 secretary and shall adopt an agenda establishing at least three
26 hearing dates on which hearings open to the public shall be held.
27 A copy of the agenda shall be filed with the secretary of the senate
28 within twenty-four hours after its adoption. Executive meetings
29 may be scheduled and held as often as the commission deems
30 advisable.

31 The commission shall reapportion the senatorial districts by
32 dividing the population of the state by the number thirty-four and
33 shall establish each district so that the population of that district
34 shall, as nearly as possible, equal that figure; no county lines shall
35 be crossed except when necessary to add sufficient population to a
36 multi-district county or city to complete only one district which lies
37 partly within such multi-district county or city so as to be as nearly
38 equal as practicable in population. Any county with a population
39 in excess of the quotient obtained by dividing the population of the
40 state by the number thirty-four is hereby declared to be a
41 multi-district county.

42 Not later than five months after the appointment of the
43 commission, the commission shall file with the secretary of state a
44 tentative plan of apportionment and map of the proposed districts
45 and during the ensuing fifteen days shall hold such public hearings
46 as may be necessary to hear objections or testimony of interested
47 persons.

48 Not later than six months after the appointment of the
49 commission, the commission shall file with the secretary of state a
50 final statement of the numbers and the boundaries of the districts
51 together with a map of the districts, and no statement shall be
52 valid unless approved by at least seven members.

53 After the statement is filed senators shall be elected
54 according to such districts until a reapportionment is made as
55 herein provided, except that if the statement is not filed within six

56 months of the time fixed for the appointment of the commission, it
57 shall stand discharged and the senate shall be apportioned by a
58 commission of six members appointed from among the judges of the
59 appellate courts of the state of Missouri by the state supreme court,
60 a majority of whom shall sign and file its apportionment plan and
61 map with the secretary of state within ninety days of the date of
62 the discharge of the apportionment commission. Thereafter
63 senators shall be elected according to such districts until a
64 reapportionment is made as herein provided.

65 Each member of the commission shall receive as
66 compensation fifteen dollars a day for each day the commission is
67 in session, but not more than one thousand dollars, and, in
68 addition, shall be reimbursed for his actual and necessary expenses
69 incurred while serving as a member of the commission.

70 No reapportionment shall be subject to the referendum.]

[Section 9. Until the convening of the Seventy-fourth
2 General Assembly the House of Representatives shall consist of one
3 hundred sixty-three members elected from the one hundred
4 sixty-three representative districts, as they existed January 1,
5 1965.]

[Section 10. The last decennial census of the United States
2 shall be used in apportioning representatives and determining the
3 population of senatorial and representative districts. Such districts
4 may be altered from time to time as public convenience may
5 require.]

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